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DEC -8 2004

Paper No. 9

In re Application of :
Marcello Quadrana :
Application No. 09/322,248 : DECISION ON PETITION
Filed: May 28, 1999 :
Attorney Docket No 23786/DOB/rf :

This is a decision on the petition filed by facsimile transmission on September 24, 2004, by which petitioner requests withdrawal of holding that this application stands abandoned for failure to file a proper and timely reply to the Office letter dated December 17, 1999. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that a proper reply to the Office letter in question was in fact filed by facsimile transmission on June 16, 2000. Petitioner further alleges that the reply was timely by reason of a concurrently filed petition for a three month extension of time that authorized the then applicable three month extension fee of \$435.00 to be charged to Deposit Account No. 13-3860. Petitioner has supported this allegation by furnishing a copy of these papers. The papers each have affixed thereto a 37 CFR 1.8(a) certificate of transmission dated June 16, 2000, a date within the period set for filing a reply to the Office letter in question as extended by three months. It is clear from this evidence that the application is not abandoned. See 37 CFR 1.8(b).

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply filed on June 16, 2000, and treatment of the concurrently filed petition for extension of time including charging the above noted deposit account for the fee. Thereafter, the application will be forwarded to the examiner for immediate action on the reply filed on June 16, 2000.

PETITION GRANTED.

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